

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:06CV336  
(1:02CR105-6)**

<b>ANTHONY ALLEN LEMAY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court upon Petitioner's Motion to Disqualify Judge Lacy H. Thornburg and Magistrate Judge Max O. Cogburn, Jr. from presiding over any portion of Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed October 2, 2006. [Doc. 2]. Judges Thornburg and Cogburn each presided over the various criminal proceedings from which the Motion to Vacate stems. [Criminal Case No. 1:02cr105-6].

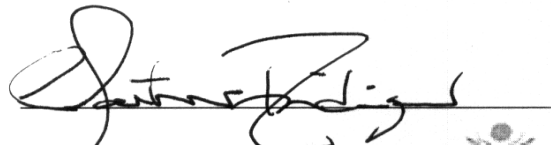
Judge Thornburg has retired from service as a federal judge, and the Petitioner's Motion to Vacate has been assigned to the undersigned.

Additionally, Max O. Cogburn, Jr. no longer serves as a magistrate judge in this District.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Petitioner's Motion to Disqualify Judge Lacy H. Thornburg and Magistrate Judge Max O. Cogburn, Jr. [Doc. 2] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: September 6, 2010

  
Martin Reidinger  
United States District Judge

